

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KRISTOFFER MORRIS,

Petitioner,

CASE NO. 2:08-cv-1176

JUDGE GRAHAM

MAGISTRATE JUDGE ABEL

v.

PHILIP KERNS, Warden,

Respondent.

OPINION AND ORDER

On July 20, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that petitioner's request for a stay be denied, and that the petition for a writ of habeas corpus be dismissed. Thereafter, on August 6, 2009, petitioner filed a motion for voluntary dismissal of his habeas corpus petition without prejudice so that he may exhaust state court remedies as to his claims. Doc. No. 17. However, the statute of limitations may bar petitioner from re-filing this habeas corpus petition. See 28 U.S.C. 2244(d). Petitioner has the option of filing objections to the Report and Recommendation and appealing any adverse decision to the United States Court of Appeals for the Sixth Circuit.

Therefore, petitioner is **DIRECTED** to advise the Court within seven (7) days whether it remains his intention to withdraw his habeas corpus petition. Failure to do so may result in dismissal of this action.

IT IS SO ORDERED.

s/Mark R. Abel _____
United States Magistrate Judge